

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 15, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORDAN EVERETT STEVENS,

Defendant.

NO. 1:19-CR-2038-SAB-1

**ORDER GRANTING MOTION
TO BIFURCATE; CONTINUING
TRIAL AND PRETRIAL
CONFERENCE**

A pretrial conference was held in the above-captioned matter on June 10, 2020, in Yakima, Washington. Robin Emmans, Ulvar Klein, and Karla Kane Hudson appeared for Defendant. With his consent, Defendant appeared via telephone from FDC SeaTac. Benjamin Seal and Richard Burson appeared for the Government. During the conference, the Court granted Defendant's stipulated request that this case be bifurcated for trial. However, due to the ongoing COVID-19 pandemic and the need to protect defendants, counsel, law enforcement, and Court staff from undue risk of infection, the Court continued the trial in this matter and set an additional pretrial conference. This Order memorializes the Court's oral rulings.

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant's Motion to Bifurcate Trial Due to Prejudicial Joinder, ECF No. 43, is **GRANTED**.

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AND PRETRIAL CONFERENCE * 1**

2. Defendant's Motion to Bifurcate Counts Due to Improper Joinder, ECF No. 42, is **DISMISSED as moot**.

3. The current trial date of June 22, 2020 for Counts 3 and 4, is **stricken** and **reset** for **September 8, 2020**, at **9:00 a.m.** commencing with a **final** pretrial conference at **8:30 a.m.** All hearings shall take place in **Yakima**, Washington. A trial date for Counts 1 and 2 will be set at a later date.

4. A pretrial conference is **set** for **August 5, 2020**, at **2:30 p.m.**, in **Yakima**, Washington. Counsel shall advise the Court regarding any dispositive change in the status of this case **at least 5 days prior to the pretrial conference**. Any motion to continue the pretrial conference or trial shall be filed at the earliest practicable opportunity, but no later than **seven (7) days prior to said proceeding**. Movant shall provide (1) specific and detailed reasons for the continuance to permit the Court to make the necessary findings; (2) if applicable, the Defendant's signed Speedy Trial Waiver; (3) the position of opposing counsel; and (4) the proposed new date. Continuances are not granted absent good cause.

5. The Court finds, given the outbreak of the COVID-19 virus, that rescheduling hearings set in the near future would result in minimizing undue risk to defendants, counsel, law enforcement, Court staff, and the public at large. The Court also finds current public health advisories reduce the Court's ability to obtain an adequate spectrum of jurors and curtails the availability of counsel and Court staff to be present in the courtroom. *See* Eastern District of Washington General Order 20-101-7. The Court, therefore, finds the ends of justice served by resetting hearings in all criminal matters during this period outweigh the best interest of the public and defendants in speedy trials, and the period of delay attributable to this Order will be excluded from Speedy Trial Act calculations.

Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time between June 22, 2020, the current trial date, until September 8, 2020, the new trial date for Counts 3 and 4, is **DECLARED EXCLUDABLE** for purposes of computing time under the Speedy

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1 Trial Act. The Court finds that the ends of justice served by such a continuance
2 outweigh the public's and Defendant's interest in a speedy trial.

3 6. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time between June 22, 2020,
4 the current trial date, until a date to be determined at a later time, the new trial date
5 for Counts 1 and 2, is **DECLARED EXCLUDABLE** for purposes of computing
6 time under the Speedy Trial Act. The Court finds that the ends of justice served by
7 such a continuance outweigh the public's and Defendant's interest in a speedy trial.

8 7. Trial briefs, proposed voir dire, jury instructions, verdict forms, exhibit
9 lists, expert witness lists, and summaries of expert testimony shall be filed and
10 served by all parties on or before **seven (7) calendar days prior to trial**. This does
11 not modify the parties' discovery obligations under Fed. R. Crim. P. 16. Absent an
12 agreement between the parties or an Order from the Court, the parties' Fed. R.
13 Crim. P. 16 discovery deadlines shall be governed by Local Criminal Rule 16.

14 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
15 enter this Order and furnish copies to counsel.

16 **DATED** this 15th day of June 2020.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

23 Stanley A. Bastian
24 United States District Judge
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